



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Appeal of Fazal E. and Asman P. Khan of a building inspection order to abate a detached garage which had been converted to a living unit without permits or inspections at 317 Hilborn Street.

MEETING DATE: July 17, 1991

PREPARED BY: Community Development Director

RECOMMENDED ACTION: that the City Council conduct a Public Hearing to consider the appeal of Fazal E. and Asman P. Khan of a Building Inspector's order to abate a detached garage which had been converted without permits or inspections at 317 Hilborn Street.

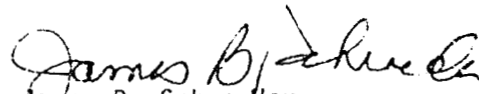
BACKGROUND INFORMATION: Reacting to a tenant complaint on May 17, 1991, Code Enforcement Officer James H. Siemers inspected a structure at 317 Hilborn Street and determined the following:

1. that a detached garage at the north end of the property, adjacent to the alley, had been added to and converted to a living unit without permits or inspections;
2. that the converted unit had no heat; and
3. that the converted structure lacked proper egress from the bedroom.

Based on the above findings the structure was ordered to be vacated and returned to its original purpose as a detached garage.

On May 20, 1991 the property owners appealed the abatement order because the garage was already converted when they acquired the property in 1979. No matter when the conversion occurred, the unit is in violation of building, housing and zoning codes.

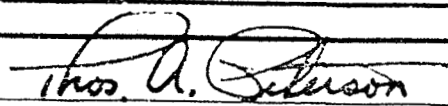
FUNDING: None required.


James R. Schroeder
Community Development Director

JBS/cg

Attachments

APPROVED: _____


THOMAS A. PETERSON
City Manager



recycled paper

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNINO
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI


CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB MCNATT
City Attorney

May 17, 1991

CERTIFIED MAIL

NOTICE OF PUBLIC NUISANCE
AND
ORDER TO ABATE

Fazal E & A P Khan


Case Number: 910060

NOTICE OF PUBLIC NUISANCE

Public records indicate that you are the current legal owner of the real and improved property in the City of Lodi, County of San Joaquin, State of California described as follows: Assessor Parcel No. 047-193-25. Said property is more commonly known as 311 East Hilborn Street, Lodi, San Joaquin County, California.

As the property owner, you are hereby notified that the undersigned Building Official of the City of Lodi has inspected said property and declared it to be a PUBLIC NUISANCE as defined and prescribed for by Section 202 et seq of the Housing Code of the City of Lodi.

INSPECTIONS AND VIOLATIONS

On May 17, 1991 the Building Official caused said property to be inspected. The following violations were discovered:

1. Finding: The detached garage at the north end of the property, adjacent to the alley, has been added to and converted to a living unit without permits or inspections.

Khan (C910060)
May 17, 1997
page 2

This existing condition is in direct violation of Section 1001 (f), of the Housing Code of the City of Lodi which reads:

(n) Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to **be** used for such occupancies.

This existing condition is in direct violation of Section 301.(a) of the Building Code of the City of Lodi which reads:

(a) Permits Required. Except as specified in Subsection (b) of this section, no building or structure regulated **by** this code shall **be** erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

DETERMINATION

As a result **of** the foregoing violations, the undersigned Building Official has declared the property to be a **PUBLIC NUISANCE** and has therefore made the following determination:

(a) The structure on the property in question shall **be** returned to its original use to the extent that it meets or exceeds the standards in the appropriate Code requirement listed above.

(b) The structure on the property in question shall **be** vacated until further notice of the Building Official. Vacation must be accomplished by June 17, 1991.

Appropriate building, plumbing, mechanical, electrical, demolition, or other permits shall be obtained from the City of Lodi prior to the commencement of any **work** required herein.

All repair and/or demolition work required herein shall begin within 60 days of the date of this Notice and shall be completed within 90 days of the date of this Notice.

In all cases, the required work is subject to the inspection and final approval of the Building Official.

Khan (910060)
May 17, 1991
Page 3

ORDER TO ABATE

Pursuant to Section 201 of the Housing Code of the City of Lodi, this Notice constitutes an ORDER to you, the owner of the property in question, TO ABATE the substandard conditions listed herein in a manner and within the times determined above.

APPEAL

Property owners, or those with legal interest in the property who are served with this Notice may appeal the same to the City Council of the City of Lodi under Section 1201 et seq of said Housing Code. The appeal should be in writing and submitted to the City Council, in care of the City Clerk (221 West Pine Street, Lodi, CA 95240), within 30 days of the date of this Notice.

FAILURE TO COMPLY

In the event of your failure to comply with the requirements set forth above, the following may apply:

1. A citation shall be issued.
2. Any person violating the provisions of the building code, mechanical code, plumbing code, electrical code, or housing code is guilty of a misdemeanor for each day such violation continues.
3. Any person convicted of a misdemeanor for violation of this code is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment for each violation.

Should you require additional information, please contact this office.


JAMES H. SIEMERS
Code Enforcement Officer

cc: Chief Building Inspector
City Attorney
Fire Marshall
Melissa Rivera, tenant, 217 1/2 E Hilborn St., Lodi, CA 95240

May 20, 1991

RECEIVED

MAY 22 AM 11:05

ALICE N. REYNOLDS

CITY CLERK

Dear Lodi City Council,

This letter is an ~~appeal~~ to
the notice and order to abate for the
property located at 317 Hillborn. Case
910060.

The detached garage was already
a one-bedroom apartment when we pur-
chased this property in April, 1979.
Nothing was in the deed that indicated
that it was done without permits.

Recently, we did a little remodeling,
new carpet + bathroom fixtures.

In the past 12 years it was as
it is. We feel it is safe and will pay
to have it inspected and OK'd.

Thankyou,

ASMAN P KHAN

CITY COUNCIL

DAVID M. HINCHMAN, Mayor
JAMES W. PINKERTON, Jr.
Mayor Pro Tempore
PHILLIP A. PENNING
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

July 19, 1991

Fazal E. and A. P. Khan
[REDACTED]

Re: Case No. 910060
Appeal Regarding Notice of
Public Nuisance and Order
to Abate
Assessor Parcel No. 047-193-25
317 East Hilborn Street, Lodi

Dear Gentlemen:

This letter will confirm that at the July 17, 1991 public hearing before the Lodi City Council regarding this matter you withdrew your appeal of a building inspection order to abate a detached garage which has been converted to a living unit without permits or inspections at 317 East Hilborn Street, Lodi.

You are to contact City of Lodi Chief Building Inspector Roger Houston regarding your proceeding with the timely abatement of this building.

Very truly yours, ,

Alice M. Reimche

Alice M. Reimche
City Clerk

AMR/jmp

cc: Community Development Director, James B. Schroeder
Chief Building Inspector, Roger Houston

DECLARATION OF MAILING

On June 17, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 17, 1991, at Lodi, California.

Alice M. Reimche
City Clerk .

Jennifer M. Perrin
Jennifer M. Perrin
Deputy City Clerk



CITY OF LODI

CARNEGIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: Rescheduled Date

July 17, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche

City Clerk

Telephone: 333-6702

**RESCHEDULED AS TO DATE ONLY
NOTICE OF PUBLIC HEARING**

July 17, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) appeal received from Asman P. Khan regarding Notice of Public Nuisance and Order to Abate issued by James H. Siemers, Code Enforcement Officer, Community Development Department, for the property located at 317 Hilborn.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: June 12, 1991

Approved as to form:

Bobby W. McNatt
City Attorney

ASMAN P. KHAN APPEAL
MAILING LIST
EXHIBIT B

Asman P. Khan


(Certified Mail
Return Receipt Requested)

Jim Schroeder
Community Development Director

Jim Siemers
Code Enforcement Officer

P 798 399 843



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

Sent to	
Asman P. Khan	
Street & No.	
[REDACTED]	
P.O., State & ZIP Code	
[REDACTED]	
Postage	\$ 0.29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.00
Return Receipt Showing to Whom, Date, & Address of Delivery	
TOTAL Postage & Fees	\$ 2.29
Postmark or Date	
June 17, 1991 <i>KAN</i>	

PS Form 3800, June 11

P 776 589 391



Certified Mail Receipt

No Insurance Coverage Provided

Do not use for International Mail

(See Reverse)

sent to

Asman P. Khan

Street & No.

P.O., State & ZIP Code

Postage

\$ 0.29

Certified Fee

1.00

Special Delivery Fee

Restricted Delivery Fee

Return Receipt Showing
to Whom & Date Delivered

1.00

Return Receipt Showing to Whom,
Date, & Address of Delivery

TOTAL Postage
& Fees

\$ 2.29

Postmark or Date

7/19/31

PS Form 3800, June 1990

SENDER

- Complete items 1 and/or 2 for additional
- Complete items 3, and 4a & b.
- Print your name and address on the reverse that we can return this card to you.
- Attach this form to the front of the mail if space does not permit.
- Mark "Return Receipt Requested" on the merchandise number.

3. Article Addressed to:

Mr. Asman P. Khan

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 776 589 391

4b. Service Type

☐ Registered☐ Insured☒ Certified☐ COD☐ Express Mail☒ Return Receipt for Merchandise

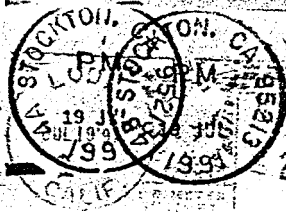
7. Date of Delivery

JUL 20 1991

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, October 1990

*U.S. GPO: 1990-775-901

DOMESTIC RETURN RECEIPT

United States Postal Service

Official Business



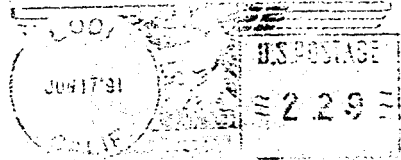
PENALTY FOR PRIVATE
USE \$300

Print your name, address and ZIP Code here

City of Lodi
City Clerk's Office
P.O. Box 3006
Lodi, CA 95241-1910

SENDER:

- Complete items 1 and/or 2 for additional service.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of it that we can return this card to you.
- Attach this form to the front of the mailpiece or back if space does not permit.
- Write "Return Receipt Requested" on the mail or the article number.



3. Article Addressed to:

Asman P. Khan

ASMAN KHAN

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 798 399 843

4b. Service Type

☒ Registered☐ Insured☒ Certified☐ COD☐ Express Mail☐ Return Receipt for Merchandise

7. Date of Delivery

3-18-91

8. Addressee's Address (Only if required and fee is paid)

PS Form 3811, October 1990

U.S. GPO: 1990-275-661

DOMESTIC RETURN RECEIPT

United States Postal Service

Official Business



PENALTY FOR PRIVATE
USE \$300

Print your name, address and ZIP Code here

City of Lodi
City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

DECLARATION OF MAILING


On July 18, 1991 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 18, 1991, at Lodi, California.

Alice M. Reimche
City Clerk



Jennifer M. Perrin
Deputy City Clerk

On Wednesday, July **31**, 1991 at 7:30 p.m.,

a) City of Lodi Growth Management Plan.

Any questions regarding this
matter may be directed to the
City Clerk's office at
333-5702

Note: Please run regular columnar bordered ad



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: July 31, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

SPECIAL JOINT MEETING OF THE LODI CITY COUNCIL & THE PLANNING COMMISSION NOTICE OF PUBLIC HEARING

July 31, 1991

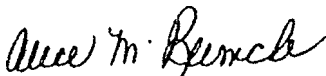
NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council AND the Planning Commission will conduct a public hearing to consider the following matter;

- a) City of Lodi Growth Management Plan

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Alice M. Reimche
City Clerk

Dated: July 17, 1991

Approved as to form:


Bobby W. McNatt
City Attorney

NOTICE OF SPECIAL COUNCIL MEETING
MAILING LIST
EXHIBIT B

Phillip A. Pennino
1502 Keagle Way
Lodi, CA 95242

John R. Snider
2328 Brittany Lane
Lodi, CA 95240

David M. Hinchman
1131 South Pleasant Avenue
Lodi, CA 95240

James W. Pinkerton
916 West Turner Road
Lodi, CA 95240

Jack A. Sieglock
1702 Timberlake Circle
Lodi, CA 95242

KCVR Radio
P. O. Box 600
Lodi, CA 95241

KSIN Radio
3171 Ralph Avenue
Stockton, CA 95206

City Clerk
City of Lodi

Community Gevelopment Director

Michael A. Lapenta
1718 Edgewood Drive
Lodi, CA 95240

Susan Hitchcock
141 South Avena Avenue
Lodi, CA 95240

Roger Stafford
801 South Mills Avenue
Lodi, CA 95240

James E. Griffith
1020 Bradford Circle
Lodi, CA 95240

Dorance Ochs
Lodi Senior Citizens Commission
1612 Burgundy Drive
Lodi, CA 95240

Tamma Adamek
Lodi News Sentinel
P.O. Box 1360
Lodi, CA 95240

King Videocable
Attn: Ms. Deanna Enright
1521 South Stockton Street
Lodi, CA 95240

Stockton Record
City Editor
P.O. Box 900
Stockton, CA 95209

Lodi Magazine
P. O. Box 648
Lodi, CA 95241

City Manager
City of Lodi

Assistant City Manager
City of Lodi

City Attorney
City of Lodi

Public Works Director
City of Lodi

Craig Rasmussen
1111 West Tokay Street
Lodi, CA 95240

Larry Mindt
P.O. Box 782
Lodi, CA 95241

Harry Marzolf
445 Madrone Court
Lodi, CA 95240

Neumiller & Beardslee
Attention: Thomas Terpstra
5th Floor Waterfront Office Tower II
509 West Weber Avenue
Stockton, CA 95203

COUN/16/TXTA.02J